

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FIREROCK GLOBAL OPPORTUNITY FUND,  
L.P., individually and on behalf of  
all others similarly situated,

Plaintiff,

vs.

RUBICON TECHNOLOGY, INC., et al.,

Defendants.

No. 15 C 3813

Chicago, Illinois

May 20, 2016

10:29 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MANISH S. SHAH

APPEARANCES:

For the Plaintiff:

ROBBINS GELLER RUDMAN & DOWD, L.L.P.  
BY: MR. JAMES E. BARZ  
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ROBBINS GELLER RUDMAN & DOWD, L.L.P.  
BY: MR. JEFFREY D. LIGHT  
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ABRAHAM, FRUCHTER & TWERSKY, L.L.P.  
BY: MR. PHILIP T. TAYLOR  
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For Defendant Rubicon  
and individual defts.:

SIDLEY AUSTIN, L.L.P.  
BY: MR. DAVID A. GORDON  
MR. LAWRENCE P. FOGEL  
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1 APPEARANCES (Continued):

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3 For Defendants Canaccord WILMER HALE  
4 and D.A. Davidson & Co.: BY: MR. JOHN F. BATTER, III  
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23 Official Court Reporter  
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1 (Proceedings heard in open court:)

2 THE CLERK: 15 C 3813, Firerock Global Opportunity  
3 Fund versus Rubicon Technology.

4 MR. BARZ: Good morning, Your Honor. Jim Barz on  
5 behalf of the plaintiffs. Along with me is Jeff Light from our  
6 settlement department out of San Diego. And --

7 MR. TAYLOR: Good morning, Your Honor. Philip  
8 Taylor, Abraham, Fruchter & Twersky.

9 MR. GORDON: Good morning, Judge. David Gordon and  
10 Larry Fogel from Sidley Austin on behalf of Rubicon and the  
11 individual defendants.

12 MR. BATTER: Good morning, Judge. John Batter from  
13 Wilmer Kale on behalf of the underwriter defendants.

14 THE COURT: Good morning. So we're here for final  
15 approval, and no objections have been made or noted, no  
16 exclusions, as I understand it. No one else is here in court  
17 today as well.

18 I had a couple of questions. My understanding is  
19 that claims were due on May 17th.

20 MR. LIGHT: That's correct, Your Honor.

21 THE COURT: Do you have any information about any  
22 that have been submitted online? Do we have any sense of --

23 MR. LIGHT: We don't have complete information. They  
24 just kind of roll in and then the claims administrator starts  
25 processing them once the plan of allocation's approved. So I

1 think there's a hundred-some claims right now that represent  
2 around 20 million shares, but there's no way to determine  
3 whether those claims are valid or not yet.

4 THE COURT: Okay. Do we know what the notice and  
5 administration costs are going to end up being with any more  
6 specificity than we did at the beginning of this process?

7 MR. LIGHT: To date, they're about \$40,000. I would  
8 imagine they wouldn't be more than a hundred thousand dollars.

9 THE COURT: Okay. And then I gather that because the  
10 claim information is still pretty preliminary, we don't know  
11 yet really anything about how the plan of allocation would  
12 actually shake out in terms of what claim values would actually  
13 end up being. Is that --

14 MR. LIGHT: That's --

15 THE COURT: -- fair?

16 MR. LIGHT: -- correct, Your Honor.

17 THE COURT: Okay.

18 MR. LIGHT: No, we don't have that information.

19 THE COURT: Okay. And that's not surprising and not  
20 an issue as far as I am concerned. I just wanted to know if  
21 there was a chance we might have some information on that, on  
22 that front.

23 The motion for final approval is granted. I do find  
24 that the settlement is a fair and reasonable one. Whether  
25 there was misrepresentation and whether there was causation or

1 contestable issues making settlement reasonable, and even with  
2 the limited information that we have now, I am confident that  
3 there is some actual benefit to individual claimants to be had,  
4 and that is a benefit to the class that a settlement achieved  
5 that litigation might not have achieved. And so that course of  
6 action was a -- ends up with a fair and reasonable outcome.

7           There has been no opposition, which I do take as  
8 indicia of reasonableness. And I recall that another  
9 shareholder appeared very early in the case to possibly become  
10 a named plaintiff, and I assume that that shareholder has been  
11 monitoring the litigation and hasn't had any objections or  
12 reared their head again for what it's worth. At least I know  
13 that someone else out there was aware of this litigation and  
14 nobody has --

15           (Counsel laughing.)

16           THE COURT: And nobody has objected.

17           The plan of allocation is reasonable. There is a  
18 logic to calculating the claim values by the difference between  
19 the public offering price and the sale price or the price on  
20 April 30th and then allocating those values as percentages of  
21 the total claim values does treat class members fairly in my  
22 view.

23           The fees and expenses are also reasonable. I think  
24 the fee percentage ends up being a little bit more than 33%  
25 when you actually take out the costs of expenses and claims

1 administration and think about it in terms of what the class is  
2 actually benefiting from, but it is still well within a  
3 reasonable contingent fee for this type of litigation. And the  
4 expenses were also reasonable under the circumstances.

5 So for all of those reasons and for the same reasons  
6 that I thought preliminary approval was appropriate, the motion  
7 for final approval, for the approval of the plan of allocation  
8 and for the fee petition, are all granted.

9 The forms of the orders were also all fine. We need  
10 to plug in the date for the six-month period of potential  
11 reinstatement, which those orders are going to get entered, I  
12 imagine, today. So six months from today would be what?

13 THE CLERK: Let's see. November 21st, everyone.

14 THE COURT: Okay. So we'll plug in that date in the  
15 proposed final judgment order and have that entered.

16 And with that, I don't think there is anything else  
17 for any of us to do. And I don't expect, unless there is some  
18 problem in the claims stage, to have to see anybody again. Am  
19 I missing anything?

20 MR. BARZ: No.

21 THE COURT: From the plaintiff?

22 MR. BARZ: You're going to take care of the order,  
23 then, that you're going to --

24 THE COURT: I am.

25 MR. BARZ: -- get from us?

1 THE COURT: Yes.

2 MR. BARZ: Okay. Great.

3 MR. LIGHT: Thank you, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. BATTER: Thank you, Your Honor.

6 MR. GORDON: No. Thank you.

7 MR. FOGEL: Thank you.

8 THE COURT: Okay. Thank you.

9 MR. BARZ: Okay. Thank you.

10 MR. LIGHT: Thank you.

11 (Proceedings concluded.)

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C E R T I F I C A T E

I, Colleen M. Conway, do hereby certify that the foregoing is a complete, true, and accurate transcript of the proceedings had in the above-entitled case before the HONORABLE MANISH S. SHAH, one of the Judges of said Court, at Chicago, Illinois, on May 20, 2016.

/s/ Colleen M. Conway, CSR, RMR, CRR

06/03/16

Official Court Reporter  
United States District Court  
Northern District of Illinois  
Eastern Division

Date